

By: Longoria

H.B. No. 2869

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to collective bargaining and conditions of employment for  
3 fire fighters and police officers in certain political  
4 subdivisions.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 174.153, Local Government  
7 Code, is amended to read as follows:

8 Sec. 174.153. BINDING INTEREST [~~REQUEST FOR~~] ARBITRATION  
9 REQUIRED [~~AGREEMENT TO ARBITRATE~~].

10 SECTION 2. Section 174.153, Local Government Code, is  
11 amended by amending Subsections (a) and (b) and adding Subsection  
12 (b-1) to read as follows:

13 (a) A public employer and [~~or~~] an association that is a  
14 bargaining agent shall submit to binding interest [~~may request the~~  
15 ~~appointment of an~~] arbitration [~~board~~] if [~~+~~

16 [~~(1)~~] the parties:

17 (1) [~~(A)~~] reach an impasse in collective bargaining;

18 or

19 (2) [~~(B)~~] are unable to settle after the 61st day  
20 after the date the appropriate lawmaking body fails to approve a  
21 contract reached through collective bargaining [~~+~~

22 [~~(2) the parties made every reasonable effort,~~  
23 ~~including mediation, to settle the dispute through good-faith~~  
24 ~~collective bargaining; and~~

1           ~~[(3) the public employer or association gives written~~  
2 ~~notice to the other party, specifying the issue in dispute].~~

3           (b) Each party shall send to the other party a written  
4 notice specifying each issue in dispute for purposes of binding [A  
5 ~~request for] arbitration [must be made] not later than the fifth day  
6 after:~~

7           (1) the date an impasse was reached under Section  
8 174.152; [or]

9           (2) the expiration of an extension period under  
10 Section 174.152; or

11           (3) the expiration of the period described by  
12 Subsection (a)(2).

13           (b-1) A notice under Subsection (b) is considered sent on  
14 the date the notice is placed in the mail, personally delivered, or  
15 transmitted by e-mail or any other means of electronic transfer.

16           SECTION 3. The heading to Section 174.154, Local Government  
17 Code, is amended to read as follows:

18           Sec. 174.154. SELECTION OF ARBITRATOR ~~[ARBITRATION BOARD]~~.

19           SECTION 4. Section 174.154(a), Local Government Code, is  
20 amended to read as follows:

21           (a) Not later than the fifth day after the date a party sends  
22 the notice required under Section 174.153, the public employer  
23 shall immediately request a list of seven qualified neutral  
24 arbitrators from the American Arbitration Association or the  
25 Federal Mediation and Conciliation Service, or a successor in  
26 function. The bargaining agent and the municipality, or their  
27 designees, may agree on one of the seven arbitrators on the list.

1 If the parties do not select an arbitrator before the sixth working  
2 day after the date the parties received the list, each party or the  
3 party's designee shall alternate striking a name from the list and  
4 the name remaining is the arbitrator [~~an agreement to arbitrate is~~  
5 ~~executed, each party shall.~~

6 [~~(1) select one arbitrator; and~~

7 [~~(2) immediately notify the other party in writing of~~  
8 ~~the name and address of the arbitrator selected].~~

9 SECTION 5. Section 174.155(a), Local Government Code, is  
10 amended to read as follows:

11 (a) The [~~A presiding~~] arbitrator shall:

12 (1) call a hearing to be held not later than the 10th  
13 day after the date on which the [~~presiding~~] arbitrator is selected  
14 [~~appointed~~]; and

15 (2) notify [~~the other arbitrators,~~] the public  
16 employer[~~7~~] and the association in writing of the time and place of  
17 the hearing, not later than the eighth day before the hearing.

18 SECTION 6. Section 174.156(b), Local Government Code, is  
19 amended to read as follows:

20 (b) The arbitrator [~~An arbitration board~~] shall render an  
21 award in accordance with the requirements of Section 174.021. In  
22 settling disputes relating to compensation, hours, and other  
23 conditions of employment, the arbitrator [~~board~~] shall consider:

24 (1) hazards of employment;

25 (2) physical qualifications;

26 (3) educational qualifications;

27 (4) mental qualifications;

- 1 (5) job training;
- 2 (6) skills; and
- 3 (7) other factors.

4 SECTION 7. Section 174.157(b), Local Government Code, is  
5 amended to read as follows:

6 (b) An arbitrator [~~arbitration board~~] may:

7 (1) receive in evidence any documentary evidence or  
8 other information the arbitrator [~~board~~] considers relevant;

9 (2) administer oaths; and

10 (3) issue subpoenas to require:

11 (A) the attendance and testimony of witnesses;

12 and

13 (B) the production of books, records, and other  
14 evidence relevant to an issue presented to the arbitrator [~~board~~]  
15 for determination.

16 SECTION 8. Sections 174.158(a) and (c), Local Government  
17 Code, are amended to read as follows:

18 (a) Not later than the 10th day after the end of the hearing,  
19 an arbitrator [~~arbitration board~~] shall:

20 (1) make written findings; and

21 (2) render a written award on the issues presented to  
22 the arbitrator [~~board~~].

23 (c) An increase in compensation awarded by an arbitrator  
24 [~~arbitration board~~] under this subchapter may take effect only at  
25 the beginning of the next fiscal year after the date of the award.

26 SECTION 9. Section 174.159, Local Government Code, is  
27 amended to read as follows:

1           Sec. 174.159. EFFECT OF AWARD. If a [~~majority~~] decision of  
2 an arbitrator [~~arbitration board~~] is supported by competent,  
3 material, and substantial evidence on the whole record, the  
4 decision:

- 5                   (1) is final and binding on the parties; and  
6                   (2) may be enforced by either party or the arbitrator  
7 [~~arbitration board~~] in a district court for the judicial district  
8 in which a majority of the affected employees reside.

9           SECTION 10. Section [174.161](#), Local Government Code, is  
10 amended to read as follows:

11           Sec. 174.161. BEGINNING OF NEW FISCAL YEAR. If a new fiscal  
12 year begins after the initiation of arbitration procedures under  
13 this subchapter but before an award is rendered or enforced:

- 14                   (1) the dispute is not moot;  
15                   (2) the jurisdiction of the arbitrator [~~arbitration~~  
16 ~~board~~] is not impaired; and  
17                   (3) the arbitration award is not impaired.

18           SECTION 11. Section [174.162](#), Local Government Code, is  
19 amended to read as follows:

20           Sec. 174.162. EXTENSION OF PERIOD. A period specified by  
21 Section [174.155](#) or [174.158](#) may be extended:

- 22                   (1) by the written agreement of the parties for a  
23 reasonable period; or  
24                   (2) by the arbitrator [~~arbitration board~~] for good  
25 cause for one or more periods that in the aggregate do not exceed 20  
26 days.

27           SECTION 14. Section [174.164](#)(c), Local Government Code, is

1 amended to read as follows:

2 (c) The public employer and the association representing  
3 the employees shall jointly pay in even proportions:

- 4 (1) the compensation of the ~~[neutral]~~ arbitrator; and  
5 (2) the stenographic and other expenses incurred by  
6 the arbitrator ~~[arbitration board]~~ in connection with the  
7 arbitration proceedings.

8 SECTION 12. Section 174.253, Local Government Code, is  
9 amended to read as follows:

10 Sec. 174.253. JUDICIAL REVIEW OF ARBITRATION AWARD. (a) An  
11 award of an arbitrator ~~[arbitration board]~~ may be reviewed by a  
12 district court for the judicial district in which the municipality  
13 is located only on the grounds that:

- 14 (1) the arbitrator ~~[arbitration board]~~ was without  
15 jurisdiction;  
16 (2) the arbitrator ~~[arbitration board]~~ exceeded the  
17 arbitrator's ~~[its]~~ jurisdiction;  
18 (3) the order is not supported by competent, material,  
19 and substantial evidence on the whole record; or  
20 (4) the order was obtained by fraud, collusion, or  
21 similar unlawful means.

22 (b) The pendency of a review proceeding does not  
23 automatically stay enforcement of the arbitrator's ~~[arbitration~~  
24 ~~board's]~~ order.

25 SECTION 13. The following provisions of the Local  
26 Government Code are repealed:

- 27 (1) Section 174.153(c);

1           (2) Sections 174.154(b) and (c);

2           (3) Section 174.163;

3           (4) Sections 174.164(a) and (b); and

4           (5) Section 174.252.

5           SECTION 14. This Act takes effect September 1, 2021.